

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES - GENERAL

Case No.	2:08-cv-07403-FMC-PJWx	Date	December 16, 2009
Title	WWI, LLC v. Hector Garcia Rojas et al		

Present: The Honorable	FLORENCE-MARIE COOPER
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Alicia Mamer	Not Reported	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:
Not present		Not present

Proceedings: ORDER TAKING MOTION UNDER SUBMISSION and ORDER SETTING ORDER TO SHOW CAUSE (In Chambers)

The matter is before the Court on WWI, LLC's ("WWI") Motion to Amend Nunc Pro Tunc, the Summons, Complaint, and Notice of Interested Parties, to Correct the Misspelling of a Party's First Name (docket no. 15), filed on November 16, 2009. No party has timely opposed the Motion. The Court has reviewed the moving documents. The Court takes the motion under submission and vacates the hearing date presently set for December 21, 2009.

Separately, the Court issues an Order to Show Cause why the Complaint against the defendant named in the Complaint and Summons as Ronaldo O. Garcia Morales should not be dismissed for Plaintiff's failure to diligently prosecute. See, Hasan v. Medical Board of California, 279 F.3d 1167, 1174 (9th Cir. 2002); Mann v. American Airlines, 324 F.3d 1088, 1090 (9th Cir. 2003); Federal Rule of Civil Procedure 4(m). Today is December 15, 2009. The pending Motion was filed on November 16, 2009. The Complaint was filed over a year earlier, on November 7, 2008. Plaintiff has failed to serve this defendant within 120 days of the filing of Plaintiff's Complaint. Plaintiff has failed to request an extension of time to serve this defendant within 120 days of the filing of Plaintiff's Complaint. Plaintiff has never until now requested any extension of the time for service, and Plaintiff has never demonstrated nor attempted to demonstrate good cause for the failure to serve this named defendant. Rather, more than a year after the filing of the Complaint, Plaintiff has filed its pending Motion.

Accordingly, the Court ORDERS Plaintiff to SHOW CAUSE, within 20 calendar days from the date of this Order, why this defendant should not be dismissed. Failure to show cause via a fully briefed, written explanation, within 20 calendar days from the date of this Order, will result in the dismissal of this defendant without prejudice.

IT IS SO ORDERED.

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